

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

SAFECO INSURANCE COMPANY OF :  
AMERICA : CIVIL ACTION No. 02-CV-2899 (BWK)  
: :  
v. :  
: :  
DEMATOS ENTERPRISES, INC., et al. :

**ORDER**

AND NOW, this                      day of                      , 2002, upon consideration of  
Plaintiff's Motion for Issuance of a Preliminary Injunction and the response of the  
Defendants thereto, it is hereby

ORDERED that the Motion be, and the same hereby is, DENIED.

BY THE COURT:

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Bruce W. Kauffman,                      U.S.D.J.

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v. :  
:  
DEMATOS ENTERPRISES, INC., et al. :

**ANSWER TO MOTION FOR ISSUANCE OF A PRELIMINARY INJUNCTION**

The Defendants, Joachim DeMatos, Donna DeMatos, Maria DeMatos, Elizabeth DeMatos Grys and Christopher Paul Grys, by and through their undersigned counsel, Fitzpatrick Lentz & Bubba, P.C., answer the Plaintiff's Motion for Issuance of a Preliminary Injunction and, in support thereof, state as follows:

1. Admitted.
2. Admitted.
3. Admitted in part, denied in part. It is admitted that the Amended Complaint contains certain counts. Because the Amended Complaint is a document which speaks for itself, the averments of this paragraph, to the extent that they purport to characterize that document, are denied.
4. Denied. Because the Amended Complaint, and Defendants' Answer and Affirmative Defenses thereto, are documents which speak for themselves, the averments of this paragraph, to the extent they purport to characterize those documents, are denied.
5. Admitted in part, denied in part. It is admitted that the Indemnity Agreement executed by certain Defendants contains certain language. Because the Indemnity Agreement is a document which speaks for itself, and because Plaintiff has only partially

quoted the language of that document, the averments of this paragraph, to the extent that they purport to characterize that document, are denied.

6. Admitted in part, denied in part. It is admitted that counsel for the Plaintiff sent a letter dated July 8, 2002 to counsel for Defendants. The remaining averments of this paragraph are denied.

7. Admitted in part, denied in part. It is admitted that counsel for the Plaintiff sent a letter dated July 31, 2002 to counsel for Defendants. The remaining averments of this paragraph are denied.

8. Admitted in part, denied in part. It is admitted that Plaintiff's counsel sent a letter dated August 8, 2002 to counsel for Defendants. The remaining averments of this paragraph are denied.

9. Denied. On the contrary, the Defendants who executed the Indemnity Agreement have expressly agreed to provide financial statements as set forth in the attached letter dated August 15, 2002. It is categorically denied that Defendants have not responded in any manner whatsoever to Safeco's counsel's letters of July 8 and July 31 or August 7, 2002 telephone call. By way of further response, see Exhibits A, B, and C which are attached hereto and incorporated herein by reference.

10. Admitted in part, denied in part. It is admitted that Maria DeMatos has certain funds as a result of the sale of real estate. The remaining averments of this paragraph are denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

WHEREFORE, Defendants Joachim DeMatos, Donna DeMatos, Maria DeMatos, Elizabeth DeMatos Grys and Christopher Paul Grys, request that this Court enter an Order denying Plaintiff's motion for issuance of a preliminary injunction, and granting them such other and further relief as is just and equitable.

FITZPATRICK LENTZ &amp; BUBBA, P.C.

Date: August 29, 2002

By: /S/  
Douglas J. Smillie  
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(610) 797-9000  
Attorney for Defendants

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**CERTIFICATE OF SERVICE**

I, DOUGLAS J. SMILLIE, hereby certify that a true and correct copy of the Defendants' Answer to Motion for Issuance of a Preliminary Injunction has been filed electronically and is available for viewing and downloading from the ECF System. In addition, a true and correct copy was served upon counsel for Plaintiff at the following address, by regular U.S. Mail, postage prepaid, upon the following:

Kevin T. Fogerty, Esquire  
Mill Run Office Center  
1275 Glenlivet Drive  
Suite 150  
Allentown, PA 18106

FITZPATRICK LENTZ & BUBBA, P.C.

Dated: August 29, 2002

By: \_\_\_\_\_/S/  
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